

# MEMO ENDORSED

## Federal Defenders OF NEW YORK, INC.

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*Southern District of New York*  
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September 17, 2020

Hon. Lewis A. Kaplan  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: **United States v. Raheen Davis, 05 Cr. 1157**

Your Honor:

Raheen Davis is scheduled to be re-sentenced on September 23, 2020 on his conviction for Hobbs Act robbery conspiracy (Count One) following the vacatur of his life sentence for using a weapon during a crime of violence (Count 2).

With the consent of the government, I am requesting that the re-sentencing of Mr. Davis, currently scheduled for September 23, 2020 be adjourned. I am making this request because I have substantial doubts about whether Mr. Davis is mentally competent to be sentenced. I am also making the request because I have not yet been able to speak to Mr. Davis.

A defendant must be mentally competent at the time he is sentenced. *United States v. Sorrentino*, 566 Fed. Appx 26 (2d Cir. 2014); *United States v. Gigante*, 996 F.Supp. 194 (E.D.N.Y. 1998)(citing cases). If there is a real doubt about competency, a Court must conduct a further inquiry.

My concerns about Mr. Davis's competency are based on the following.

First, during his trial in 2008, there were concerns raised about Mr. Davis's behavior raised concerns about his competency and a psychiatric examination was ordered. Mr. Davis had to be shackled during his trial.

*Daned.*  
SO ORDERED  
  
LEWIS A. KAPLAN, USDJ  
9/18/2020